

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CASEY DOOLEY, :
Plaintiff, : 3:18-CV-1310
v. : (JUDGE MARIANI)
Defendants. : (Magistrate Judge Saporito)

JOHN E. WETZEL, Secretary of the :
Pa. D.O.C., et al., :
Defendants. :

ORDER

AND NOW, THIS 3RD DAY OF SEPTEMBER 2020, upon *de novo* review of Magistrate Judge Saporito's Report and Recommendation ("R&R") (Doc. 28) and all other relevant documents, IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. 28) is **ADOPTED** to the extent consistent with this Order.
2. For the reasons set forth in the R&R (Doc. 28, at 20-24) and in accordance with the Court of Appeals for the Third Circuit's opinion in *Dooley v. Wetzel*, 957 F.3d 366 (3d Cir. 2020), Plaintiff's Complaint (Doc. 1-1) is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b)(1) and 42 U.S.C. § 1997e(c) and **WITH LEAVE TO AMEND**.
3. Plaintiff shall file an Amended Complaint within **45 days** of the date of this Order.
4. Defendants' Objections (Doc. 29) to the R&R are **OVERRULED**.
5. Defendants' Motion to Dismiss Complaint/Motion for Summary Judgment (Doc. 5) is **DENIED WITHOUT PREJUDICE**.

6. Plaintiff's motion for leave to file an amended complaint (Doc. 31) is **DEEMED MOOT.**
7. The Clerk of Court is directed to remand this case to Magistrate Judge Saporito for further proceedings consistent with this Order.



Robert D. Mariani
United States District Judge